

*Leanne Tippet Mosby
2605 E Nichols Road
Hartsburg, Missouri 65039
Email: ljtmosby@gmail.com
Phone: (573) 657-7382*

February 9, 2017

Ms. Carol Comer, Director
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102

Re: Status of Follow Up on EPA Draft Report on Tanks Corrective Action Program

Dear Director Comer:

Please accept my sincerest congratulations on your appointment as Director. I hope you are settling in to your new role and getting to know the talented, dedicated professionals serving in the agency you now lead. My apologies for the tardiness of welcoming you to Missouri, but I have logged several thousands of miles in personal and business travel in the last few weeks and have not been able to write.

In the last few months of my tenure as the Director of the Division of Environmental Quality, I did my best to wrap up loose ends to enable a smooth transition. However, there is one issue of great importance in enhancing efforts to protect public health that, due to timing, I was unable to get on a solid path toward resolution before my departure.

In November of last year, the U.S. Environmental Protection Agency issued a draft report on the corrective action component of the tanks program. The report highlighted longstanding problems with the relationship between the department and the Petroleum Storage Tank Insurance Fund. I was largely in agreement with the report, except for some errors and omissions with respect to actions by department staff. The problems described in the report have been present since the mid to late 1990's. However, they became more clearly visible to U.S. EPA when the department had to refer the Zill case to the Missouri Attorney General's Office.¹ I believe this

¹ This referral became necessary when the responsible party failed to take actions the department deemed necessary characterize and address the site. Instead, PSTIF provided funds for the owner to hire an attorney to challenge the department's findings.

case (and a second, similar site: Main Street Shell) may have been what lead EPA to do a more in-depth review of the PSTIF than had been conducted in prior years.

Leaking underground storage tanks present one of the most ubiquitous public health concerns in the realm of environmental problems due to their prevalence and the potential for direct and proximate impacts to our citizens. In many cases, these sites occur in economically-challenged areas, which raises environmental justice concerns. For these reasons, when I met with then Governor-elect Greitens in December, I identified this issue as the highest priority for resolution (in DEQ) moving forward. I also shared a copy of the draft EPA report with the transition team.

Failure to resolve these problems moving forward will result in continued potential for public health impacts, especially for our most vulnerable citizens. While I have retired from state government, this issue still weighs quite heavily on my mind as a serious, decades-old problem I was unable to successfully resolve over the course of my seven years in division and department management. Just before my departure, I sent a letter to EPA highlighting this fact and requested they closely review our underlying regulatory framework. For your convenience, I have attached a copy of the letter (without attachments).

Due to my continued interest as an interested and informed private citizen, I would appreciate a status update outlining how resolution of this matter is progressing. If it is more convenient to provide information via email, I have included my email address in the header of this letter. I am sending a similar inquiry to EPA and will copy you on that letter when it is completed.

On another note, I would be happy to be a resource for you in the event you have any questions about this or other matters facing the agency. With 22 years of experience, mostly within DEQ, I have in-depth knowledge, history and background on many key issues.

In conclusion, I wish you the very best in your efforts to lead the department in its very important mission.

Sincerely,

A handwritten signature in black ink, reading "Leanne Tippet Mosby". The signature is written in a cursive, flowing style.

Leanne Tippet Mosby

Cc: The Honorable Eric Greitens, Governor of Missouri
The Honorable Josh Hawley, Attorney General of Missouri
✓ Mr. Edward H. Chu, Acting Regional Administrator, USEPA Region 7